IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 166 OF 2006
IN
SUIT NO. 37 OF 2006

GE Countrywide Consumer Financial Services Ltd., .. Plaintiffs.

V/s.

1. Trinity Financial Services & Ors. .. Defendants.

Mr.Tushar Bhavsar i/by M/s.Mohit Gadkari & Co. for the Plaintiffs.

CORAM : S. A. BOBDE, J.

DATED : 12th FEBRUARY, 2007.

P.C.:

. In this notice of motion, this court granted ad-interim relief on 25th January, 2006. None appears for the defendants at that stage. Thereafter, the defendants' Advocate's office have filed Vakalatnama on behalf of the defendant Nos.1,2 and 3. However, none appears today.

2. The suit is for a recovery of a sum of Rs.6,39,961.17/- as per the particulars of claim at Exh. 'M' with further interest on the sum of Rs.3,70,699.21/- being the principal amount of loan availed from the plaintiffs by the defendants for the purchase of a motor

car by the defendant No.4 through the defendant Nos. 1 to 3.

3. The plaintiffs case is that the defendant Nos. 1,2, 3 and 4 have submitted a false documents to the plaintiffs and obtained a car loan for the purchase of a used Hyundai Sonata Gold motor car from the defendant No.5. Defendant No.5 was the owner of the vehicle. However, the defendant No.4 has not purchased the said vehicle at all and that the said car still stands in the name of the defendant No.5. Had the defendant No.4 purchased the said motor car, it would have been secured against the loan amount. However, even the car is not available for securing the loan amount because it appears that the defendant No.5 had availed a loan from the Citibank against the same vehicle.

4. Having regard to the circumstances of the case, I consider it appropriate in the interest of justice to confirm the grant of attachment of the premises of the defendant Nos.1,2 & 3 being the Room 303, B Wing, Poonam Nagar, Mahakali Caves, Andheri (E), as an attachment before judgment.

5. Order accordingly.

(S.A.BOBDE,J.)

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